REMARKS

Applicants have carefully reviewed the Office Action dated October 5, 2006. Reconsideration and favorable action is respectfully requested.

The Examiner has responded to Applicants last filed response in some detail. In paragraph 1 of the Examiner's response, the Examiner sets forth as follows:

> Applicant's arguments file 8/8/2006 have been fully considered but are not persuasive. Applicant's main argument is that the advertisement alert in Kitsukawa is contemporaneous with the program, such that it cannot be at "different times". However, Kitsukawa clearly teaches that any particular scene in the video broadcast may be used to carry an advertisement, since the advertisement may be associated with any particular item in a video broadcast scene, see col. 8, lines 51-65 through col. 9, lines 1-51.

The Examiner indicated that the Applicants main argument was that the advertisement alert was "contemporaneous" with the program such that it cannot be at "different times." However, what Applicants basically stated was that "the particular icons associated with the advertisements are displayed in conjunction with the particular subject matter." The subject of the argument is that the subject matter associated with the advertisement is displayed and a particular icon is displayed at substantially the same time. Although the Examiner is correct that *Kitsukawa* teaches that any particular scene can be used to carry an advertisement, it is the fact that the advertisement is associated with an icon at a particular time in a broadcast, but there is no disclosure of unique information that is transmitted at different times in the broadcast that are different from when the non-advertising content is displayed. All that is displayed in *Kitsukawa* is the advertising content in conjunction with a particular and associated portion of the program.

The second portion of the Examiner's argument is with respect to paragraph 2 of the Examiner's Response to Arguments. This is set forth as follows:

> Applicant also argues on page 5 that, "Examiner has utilized *Yuen*

> for this purpose. The Examiner has cited the portion of the background which is similar to Applicant's description of prior art, that being where a normal operation is to provide some type of announcement at some time in the day to induce a listener to tune in at a later time. However, the present invention utilizes the pre-announcement as part of the program itself." Examiner points out that the combination of *Kitsukawa Yuen* still meets this claim, since the advertisement in *Kitsukawa* is part of the program itself, as characterized by col. 9, lines 64-67.

In this portion, the Examiner indicates that the advertisement in *Kitsukawa* is part of the program and, therefore, this would suggest that the pre-announcement portion were also part of the program. However, the Examiner is not pointing to anything in the combination of *Yuen* and *Kitsukawa* that in any way shows that there can be a pre-announcement portion and a second portion that is associated with non-advertising content wherein both occur at different times but are still part of the same program. Applicants clearly pointed this out in the last response.

The third aspect of the Examiner's argument was that the additional claim feature "or the at least second portion that is delivered to the consumer at another desired time for allowing the user to access a desired advertiser location through the PC based system" is an additional feature that is recited in the alternative and thus is not required to be addressed. Applicants disagree with this. The claim requires that unique information be dispersed throughout the advertisement broadcast, wherein, in line 10 of claim 1, the unique information is referred to as "embedded unique information" that is presented to the consumer in the "same manner" as the advertisement broadcast. However, there is nothing to say that the unique information is comprised of one piece of information. Rather, in Claim 1, it is set forth that the unique information comprises a first portion for inducing the user "and" there is provided a second portion of unique information that is associated with a non-advertising content of the program broadcast. It is then set forth that the unique information is provided at different times wherein the first portion is for informing the consumer or it is the first portion for inducement. This language merely states that when unique information occurs, it is either the first portion or the second portion, it clearly being set forth in the claim that the unique information is comprised of a first portion and a second portion. Thus, the term "or" refers to the fact that when unique information is present in a program, this being a temporal concept, it is either the first portion or the second portion.

Applicant believes that the Examiner is incorrect in not addressing this aspect of the claim. Applicant believes that the claim is clear as to the language.

The Examiner has reiterated the rejections of the claims substantially as previously presented. Applicant believes that the Examiner is incorrect in his understanding of the claim and respectfully requests reconsideration in view of these arguments. As such, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103 rejection with respect to claims 1-5 and 7-11 in view of the combination of *Kitsukawa* and *Yuen*.

The remaining claims, claims 4-5, 7, 9 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of *Kitsukawa* and *Yuen*, and further in view of *Marsh*, (U.S. Patent No. 5,848,397). This rejection is respectfully traversed.

The addition of the *Marsh* reference, as set forth in the previous response, does not cure the deficiencies noted herein above with respect to *Kitsukawa* by itself and, more importantly, with the combination of *Yuen* therewith. Therefore, Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection with respect to claims 4-5, 7, 9 and 11.

Applicants have now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicants respectfully request full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/PHLY-24,739 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,
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